

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J.T. TAYLOR,

Plaintiff,

v.

CHAD SMITH,

Defendant.

_____/

Case No. 23-11883

Judith E. Levy

United States District Judge

Curtis Ivy, Jr.

United States Magistrate Judge

**ORDER REGARDING MOTION FOR ORDER TO
SHOW CAUSE (ECF No. 23)**

Defendant Chad Smith moved for an order to show cause against non-party Yvetta Gee. Ms. Gee was scheduled to be deposed on November 14, 2024, but she did not appear. Ms. Gee received the notice of deposition and spoke with defense counsel prior to the scheduled date. (ECF No. 23, PageID.251-53). Because of her failure to appear, Defendant moved for an order directing Ms. Gee to show cause why she should not be held in contempt for failure to appear and to hold her in contempt if she fails to show satisfactory cause.

On November 25, 2024, Defendant filed a certificate of service stating that on that day, counsel served a copy of the motion for order to show cause on Ms. Gee by U.S. Certified Mail and U.S. First Class Mail. (ECF No. 28). The Court presumes that Ms. Gee received the motion.

Ms. Gee is **ORDERED** to respond to the motion to show cause explaining her failure to appear for her deposition. Her response is due **on or before January 15, 2025**, in writing. The response must identify this case by including the parties' names and the case number, as shown at the top of this Order in the case caption.

Ms. Gee must mail or deliver her response to this address:

Theodore Levin United States Courthouse
C/O Clerk's Office
231 W. Lafayette Blvd.
Detroit, MI 48226

Defendant must serve a copy of this Order and another copy of his motion on Ms. Gee **on or before December 16, 2024**. Defendant may accomplish service by certified mail, return receipt requested, and delivery restricted to the addressee to the addresses used to serve the subpoena and deposition notice, or by personal service. Defendant must file **both** a certificate of service **and** a notice showing Ms. Gee was in fact served (e.g., a returned and signed green card or an affidavit from the process server). If Defendant cannot serve Ms. Gee by these methods, a notice of non-service must be filed along with a motion for alternate service, unless Defendant chooses to forgo the deposition.

Ms. Gee is warned that if she served with this Order and fails to timely or adequately respond to Defendant's motion for order to show cause, all or part of the relief requested against her may be granted.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: December 9, 2024

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge